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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,268	03/02/2005	Manfred Schmitt	081276-1055-00	6411
23409	7590	09/13/2006		
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER KRISHNAMURTHY, RAMESH	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/526,268	SCHMITT ET AL.	
	Examiner	Art Unit	
	Ramesh Krishnamurthy	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 - 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This office action is responsive to communications filed 12/06/2005.

Claims 1 – 17 are pending.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 – 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the control openings" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the guide cylinder" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the control cylinder" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. Also, claim 7 recites the limitation "the inner contour of the control cylinder runs conically towards the contour of the base part" in lines 2 and 3. However, the illustrated control cylinder (48) appears to lack such an inner contour that runs conically.

Claim 8 recites the limitation "the control cylinder" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the control openings" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the cooling jacket" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2159697.

The document FR'697 discloses a volume flow control valve (Fig. 1) with a flow restrictor (6) that can be displaced axially in a housing (1,2,3,8, 10), via which the flow can be diverted, characterized in that the flow restrictor has a diverting body (6) and the flow generated by the diversion at the diverting body is used to adjust the flow restrictor. The contour of the diverting body is designed so that the largest possible adjusting force is yielded with the lowest possible flow resistance. The flow restrictor during its movement dips into a housing mounted guide cylinder (1, 4) which (4) has a control edge on its end facing the flow restrictor which in its functional position more or less covers the control openings. The valve housing has two parts; an upper part (1, 8, 10, 2) and a lower part (3), wherein a parting line runs essentially transverse to the movement direction of the flow restrictor (6) and is sealed towards the outside.

5. Claims 1 and 10 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Drucker (US 5,004,008).

Drucker discloses a volume flow control valve (18) integrated in to the cooling jacket of a machine or a component (FIG. 1), with a flow restrictor (66) that can be

Art Unit: 3753

displaced axially in a housing (34, 46), via which the flow can be diverted, characterized in that the flow restrictor has a diverting body (68, 70) and the flow generated by the diversion at the diverting body is used to adjust the flow restrictor. The contour of the diverting body is designed so that the largest possible adjusting force is yielded with the lowest possible flow resistance. The valve housing has two parts; an upper part (46) and a lower part (34), wherein a parting line runs essentially transverse to the movement direction of the flow restrictor (6) and is sealed towards the outside at (near (50)). Each of the housing parts (46, 34) has hose connections, near (55) and (40) respectively. The valve (18) does regulate the volume flow a branch line (30) of the heating/cooling cycle.

6. Claims 3, 4, 14, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 6, 7, 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

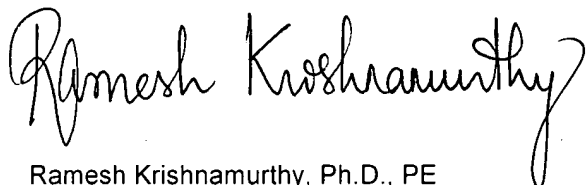
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

Art Unit: 3753

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached on (571) 272 – 4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first name "Ramesh" and last name "Krishnamurthy" clearly distinguishable.

Ramesh Krishnamurthy, Ph.D., PE
Primary Examiner
Art Unit 3753